

DECEMBER 11, 2007

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

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12-3-2007
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

BYRONE OWENS 20070076179

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

07CV6800
JUDGE HOLDERMAN
MAGISTRATE JUDGE ASHMAN

vs.

Case No: _____
(To be supplied by the Clerk of this Court)

SHERIFF TOM DART

DIRECTOR JOHN DOE

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:



COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

I. Plaintiff(s):

- A. Name: TYRONE OWENS
- B. List all aliases: NONE
- C. Prisoner identification number: 2007 007 6179
- D. Place of present confinement: COOK COUNTY JAIL
- E. Address: 2650 S. CALIFORNIA AVE.

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: TOD DART
Title: SHERIFF OF COOK COUNTY
Place of Employment: COOK COUNTY DEPARTMENT OF CORRECTIONS
- B. Defendant: ? DOMINGUIZ
Title: DIRECTOR OF JAIL
Place of Employment: COOK COUNTY DEPARTMENT OF CORRECTIONS
- C. Defendant: _____
Title: _____
Place of Employment: _____

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES (☒) NO () If there is no grievance procedure, skip to F.

B. Have you filed a grievance concerning the facts in this complaint?

YES (☒) NO ()

C. If your answer is YES:

1. What steps did you take?

FILED THREE GRIEVANCES

2. What was the result?

THEY WERENT EVER RESPONDED TO

3. If the grievance was not resolved to your satisfaction, did you appeal? What was the result (if there was no procedure for appeal, so state.)

D. If your answer is NO, explain why not:

I ATTEMPTED TO EXHAUST MY REMEDIES, BUT
THE DEFENDANTS ARE IMPEDING MY
LITIGATION

- E. Is the grievance procedure now completed? YES () NO (✓)
- F. If there is no grievance procedure in the institution, did you complain to authorities? YES () NO ()

G. If your answer is **YES**:

1. What steps did you take?

2. What was the result?

H. If your answer is **NO**, explain why not:

IV. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court (including the Central and Southern Districts of Illinois):

- A. Name of case and docket number: TYRONE OWENS V. WALKER, BURTON, TEMMS et al
- B. Approximate date of filing lawsuit: 2000
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____

- D. List all defendants: OFFICERS: WALKER, TEMMS, BURTON, ACEVEDO

- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): NORTHERN DISTRICT
- F. Name of judge to whom case was assigned: MARTIN C. ASHMAN
- G. Basic claim made: TORTURE, BEATINGS, CONSPIRACY

- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): SETTLED OUT OF COURT

- I. Approximate date of disposition: 2004

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

OTHER CASES ARE FILED

2. TYRONE OWENS V. ROGER E. WALKER et. al.

2002

DEFENDANTS, BURGESS et al
SOUTHERN DISTRICT, BEATINGS

(DISMISSED?)

3

V. Statement of Claim:

State here as briefly as possible the facts of your case. Describe precisely how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

COUNT (1) 14TH AMENDMENT, 8TH AMENDMENT / CREUL AND USUAL PUNISHMENT, DUE PROCESS BEGINNING : THE DEFENDANTS IMPLEMENTED A NEW POLICY WHICH VIOLATES OUR CONSTITUTIONAL RIGHTS BY FORCING (PRE-TRIAL DETAINEE'S) TO LOCK UP IN OUR CELL 19-23 HOURS A DAY. THIS MORNING I WAS ORDERED TO GET OFF OF THE PHONE AND I HAD ONLY BEEN OUT MY CELL FOR ONE HOUR TO USE THE PHONE AND TO SHOWER AND TO TRY TO GET SOME SUPPORT TO GET OUT OF JAIL.

DAILY I'VE BEEN FORCED TO ENDURE VERY RESTRICTIVE AND PUNISHING CONDITIONS AS THOUGH I WAS A "CONVICTED FELON" THIS IS WHAT I WROTE IN MY GRIEVANCES ... THIS MORNING I WAS ORDERED TO GET OFF OF THE PHONE AND TOLD TO "LOCK UP" I BEGGED THE OFFICER TO ALLOW ME TO USE THE PHONE FOR (15) MORE MINUTES. SO THAT I COULD SPEAK WITH MY FAMILY AND MY ATTORNEY (WHOM I WAS TRYING TO HIRE THROUGH MY FAMILY) HE SAID "NO" THE RULES ARE TO KEEP Y'ALL LOCKED IN YOUR CELLS UNTIL YOU GET CONVICTED OR RELEASED. WHEN WE ARE ALLOWED OUT OF OUR CELLS FOR THE COUPLE OF HOURS A DAY. IT IS EITHER TOO EARLY - (8:00AM) TOO EARLY FOR LAW OFFICES TO BE OPEN, OR IT WILL BE TOO LATE @ 8:00 P.M. LONG AFTER LAWYER OFFICES ARE LONG CLOSED. I RECENTLY LOST ONE OF MY WITNESSES BECAUSE I COULD NOT GET OUT TO USE THE PHONE. THIS WITNESS COULD AND WOULD PROVE MY INNOCENCE. THERE IS ONLY ONE PHONE ON THE UNIT FOR US (40 PRE-TRIAL DETAINEE'S) THERE'S NOT ENOUGH TIME TO USE THE PHONE TO ASSIST OUR CASES, WITH A 20 MIN. TIME LIMIT TO TALK AND IT TAKES 5-10 MINS. TO GET CONNECTED, WITH ONLY 1-2 HOURS OUTSIDE OF THE CELLS THAT ONLY ALLOWS 6 PEOPLE TO USE THE PHONES A DAY. AND THE SHOWER TAKE LONGER ONLY ALLOWING 3-4 PEOPLE TO SHOWER A DAY. IN SEVERAL GRIEVANCES I MENTIONED THAT "SINCE WE'RE NOT 'CONVICTED FELONS' WE MUST BE HELD TO A LESS STRINGENT STANDARD THAN CONVICTED FELONS, AND NOT LOCKED UP 23 HOURS A DAY - IMPEDING OUR LEGAL DEFENCE - LITIGATION

Revised: 1/30/05

IN ALL COUNTS LISTED IN THIS CAUSE. DEFENDANTS ARE SUED IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES. AS A RESULT OF DEFENDANTS ACTIONS I NOW SUFFER

FROM SEVERE HEADACHES, SEVERE DEPRESSION, LOST OF WITNESSES TO PROVE MY INNOCENCE. DEFENDANTS KNEW OR SHOULD HAVE KNOWN THAT THEIR ACTIONS COULD OR WOULD CAUSE PLAINTIFF SEVERE IRREPARABLE INJURIES. DEFENDANTS DID SO KNOWINGLY AND MALICIOUSLY AND INTENTIONALLY WITH THE INTENT TO CAUSE PLAINTIFF INJURY AND DID SO FOR NO PENOLOGICAL PURPOSE.

COUNT (2) 8TH AMENDMENT/CRUEL AND USUAL PUNISHMENT, 14TH AMENDMENT DUE PROCESS.

BEGINNING 11/15/07, I HAVE BEEN FORCED TO USE THE TOILET (SOMETIMES) TO BATHE ^{CAUSING ME INJURIES} AND TO WASH MY UNDERWEAR. BECAUSE THE DEFENDANTS REFUSE TO REPAIR MY SINK AND THE SHOWER EITHER. (THE SHOWER WORKS SOMETIMES) IN THE SHOWER THERE ARE SOME LITTLE BLACK WORMS, MILDEW, SLIM AND THE DRAIN BACKS UP OFTEN FORCING ME TO STAND IN SEWER WATER AND MOLD. MY DRINKING WATER COMES OUT RED OR SOMETIMES BROWN. DEFENDANTS KNEW OR SHOULD HAVE KNOWN THAT THEIR ACTIONS WOULD CAUSE ME SEVERE INJURIES. DEFENDANTS DID SO MALICIOUSLY AND INTENTIONALLY TO CAUSE INJURY. AS A RESULT OF DEFENDANTS ACTIONS PLAINTIFF SUFFERS FROM ATHLETE'S FOOT, SEVERE DEPRESSION, SEVERE HEADACHES AND SKIN IRRITATION. DEFENDANTS ARE SUED IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES.

COUNT (3)

RETALIATION AND 1ST AMENDMENT FREEDOM OF SPEECH

ON OR ABOUT 11/18/07 DEFENDANTS BEGAN RETALIATING AGAINST ME BECAUSE I FILED SEVERAL GRIEVANCES. (A) DEFENDANTS REFUSED TO ANSWER MY GRIEVANCES. (B) MY MAIL AND REQUEST SLIPS NEVER ARE DELIVERED. (C) DEFENDANTS TOLD MANY DETAINEES WHAT KIND OF CHARGES I HAVE AND CONSPIRED WITH THEM TO START FIGHTS WITH ME. ⁷

(D) DEFENDANTS ARE TAKING PIECES OF MY MAIL OUT OF MY ENVELOPES, AND CUTTING MY MAIL TO PIECES. DEFENDANTS KNEW OR SHOULD HAVE KNOWN THAT THEIR ACTIONS WOULD CAUSE

(3)

Case 1:07-cv-06800 Document 58 Filed 12/17/2007 Page 9 of 13
PLAINTIFF SEVERE IRREPARABLE INJURIES DEFENDANTS DID NOT KNOWLEDGEABLY
AND INTENTIONALLY WITH THE INTENT TO CAUSE INJURIES. AS A RESULT OF
DEFENDANTS ACTIONS PLAINTIFF NOW SUFFERS FROM SEVERE DEPRESSION, SEVERE
HEADACHES AND LOST OF SUPPORT. ALL DEFENDANTS WERE REPEATEDLY WRITTEN
LETTERS AND COMPLAINTS REGARDING THIS CAUSE. THEY REFUSED TO
RESPOND TO SEVERAL COMPLAINTS,

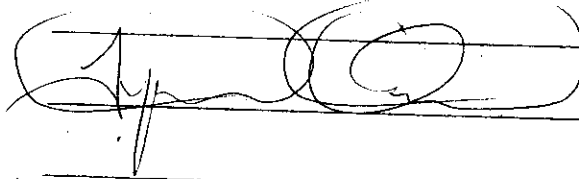
State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.

PLAINTIFF PRAYS THIS COURT AWARD HIM \$500,000 COMPENSATORY
DAMAGES OR \$250.00 A DAY FOR TIME SPENT IN VIOLATION OF HIS RIGHTS.
3.5 MILLION FOR PUNITIVE DAMAGES. IMMEDIATE CHANGE
IN POLICY/MORE HOURS OUTSIDE OF CELL

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this
Complaint are true to the best of my knowledge, information and
belief. I understand that if this certification is not correct, I may be
subject to sanctions by the Court.

Signed this 27 day of NOV, 2007



(Signature of plaintiff or plaintiffs)

TYRONE OWENS
(Print name)

20070076179
(I.D. Number)

P.O. Box #089002
(Address)

EMERGENCY

(14)

143

Part-A / Control #: 2007 X 2278

Referred To: Supt Div 1

☐ Processed as a request.

COOK COUNTY DEPARTMENT OF CORRECTIONS DETAINEE GRIEVANCE

Detainee Last Name: TYRONE OWENS First Name: TYRONE

ID #: 2007-0076179 Div.: 1 Living Unit: H-3 Date: 11/12/07

BRIEF SUMMARY OF THE COMPLAINT: ON THE ABOVE DATE I WAS ORDERED OFF THE PHONE AND TOLD TO "LOCK UP" I NEVER GET ENOUGH TIME TO MAKE CALLS AND SHOWER AND PREPARE A DEFENCE ON MY CASE MORE SO NOW. BECAUSE THE RULES HERE VIOLATE MY CONSTITUTIONAL RIGHTS BY FORCING ME (DETAINEE) TO BE LOCKED IN MY CELL WHEN ATTORNEY OFFICES ARE OPEN. AND FURTHER CAUSING ME IRREPARABLE DAMAGES LOCKING ME INSIDE MY CELL FOR 18-23 HOURS A DAY, PREVENTING ME FROM CALLING MY FAMILY AND OTHER SUPPORTERS. THIS CRUEL AND UNUSUAL PUNISHMENT IS CAUSING ME TO SUFFER FROM HEADACHES AND DEPRESSION.

I WAS TOLD BY MY LAWYER TO CALL HIS OFFICE TO GET LEADERS

MATTHEW SMITH 800 700 5304 JOHN HUGHES 800 700 3838 DIRECTOR COLTRANE 800 007 8632

NAME OF STAFF OR DETAINEE(S) HAVING INFORMATION REGARDING THIS COMPLAINT

IMMEDIATE CHANGE OF POLICY IS LEAVE US OUT FOR 11-12 HOURS DAILY TO PREPARE
ACTION THAT YOU ARE REQUESTING

DETAINEE SIGNATURE: 

C.R.W.'S SIGNATURE: 

DATE C.R.W. RECEIVED: 11/14/07

Please note: Decisions of the "Detainee Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form. All appeals must be made in writing and directly submitted to the Superintendent.

NOW I'M FORCED TO GO TO COURT WITHOUT MY LAWYER. THE OFFICER WHO ORDERED US TO "LOCK UP" TOLD US THAT WE SHOULD GO TO THE LAW LIBRARY AND READ A "GENERAL ORDER" THAT WAS READ AT ROLL-CALL, ALMOST WEEKLY, SINCE I'VE BEEN IN COOK COUNTY JAIL. THE JAIL HAS IMPLEMENTED NEW RULES WHICH VIOLATES THE CONSTITUTIONAL RIGHTS OF (PRE-TRIAL) DETAINEES. RULES THAT IMPEDS THE PRE-TRIAL DETAINEES TRIAL PREPARATION, THEREBY PLACING A SEPARATE BURDEN ON THE DETAINEES. [HOW TO FIGHT FOR HIS LIFE AT TRIAL, WITH ONLY A SHORT AMOUNT OF TIME, TO BE OUTSIDE THE CELL AND ONLY ONE TELEPHONE TO BE USED BY 20 INMATES WHO ALSO NEEDS TO USE IT FOR ABOUT AN HOUR ^APEICE. BUT THE PHONE ONLY WORKS SOMETIMES!

WHEN I ASKED AN OFFICER, "WHY ARE YOU TREATING US LIKE CONVICTED FELONS?" HE SAID YOU GUYS SHOULD BE HAPPY, THIS IS PART OF IDOC PROCEDURE. "IDOC" STANDS FOR ILLINOIS DEPARTMENT OF CORRECTIONS.

WE WERE TOLD THAT WE NEED TO BE LOCKED UP UNTIL TRIAL IS OVER,

H-3

Part - B / Control # 2007X2278

C.C.D.O.C. DETAINEE GRIEVANCE / REFERRAL & RESPONSE

EMERGENCY GRIEVANCES ARE THOSE INVOLVING AN IMMEDIATE THREAT TO THE WELFARE OR SAFETY OF A DETAINEE

Detainee's Last Name: OWENS First Name: Tyrone ID# 2007-0076129Is This Grievance An Emergency? YES ☐ NO ☒C.R.W.'S Summary Of The Complaint: Detainee alleges not enough time due to the lock down policy to prepare for hearingC.R.W. Referred Griev. To: Supt Div-1 Date Referred: 11/14/07

Response Statement:

Detainee trial out is within Dept. Guidelines.

(print - name of individual responding to this griev.)

(signature of individual responding to this griev.)

Date: 11/14/07 Div./Dept: I

(print - name of Supt. / Designee / Dept. Admin.)

(signature of Supt. / Designee / Dept. Admin.)

Date: 11/14/07 Div./Dept: I

(print - name of Prog. Serv. Admin. / Asst. Admin.)

(signature of Prog. Serv. Admin. / Asst. Admin.)

Date: 11/15/07Date Detainee Received Response: 11/16/07 Detainee Signature: [Signature]**REQUEST FOR AN APPEAL**

APPEALS MUST BE MADE WITHIN 14 DAYS OF THE DATE THE DETAINEE RECEIVED THE RESPONSE

Date Detainee Request For An Appeal: 11/16/07

Detainee's Basis For An Appeal:

Appeal Board's Acceptance Of Detainee's Request: YES ☐ NO ☐

Appeal Board's Reasoning / Decision / Recommendation To The Superintendent Or Administrator:

Appeal Board's Signatures / Dates:

Date Detainee Rec.'d the Appl. Bd.'s Response: 11/16/07 Detainee Signature:

GRIEVANCE CODE(S): () () () ()

(WHITE COPY - PROG. SERV.) (YELLOW COPY - C.R.W.) (PINK COPY - DETAINEE) (GOLDENROD COPY - DIVISION/SUPT. OFFICE)